

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 04, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ZACHARY STEVEN SKONE,

Plaintiff,

v.

DAVID ESTUDILLO, AARON
HINTZ, GARTH DANO, and CHAD
JENKS,

Defendants.

NO: 4:20-CV-5236-RMP

ORDER DISMISSING COMPLAINT
WITHOUT PREJUDICE

BEFORE THE COURT is Zachary Steven Skone's construed Motion to Voluntarily Dismiss Complaint, ECF No. 17. Defendants have not been served in this action. Therefore, the Court grants Mr. Skone's motion to voluntarily dismiss his Complaint pursuant to Fed. R. Civ. P. 41(a).

Although granted the opportunity to do so, Mr. Skone did not file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed. Therefore, Mr. Skone still is obliged to pay the full filing fee for this action pursuant to 28 U.S.C. § 1915(b). As the Court previously informed Mr. Skone,

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE -- 1

1 ECF No. 16 at 9–10, Mr. Skone must file a separate Affidavit and Motion, and
2 show good cause for his request, to waive collection of the remaining balance of
3 the filing fee in this action. In no event will prior partial payments be refunded to
4 Plaintiff.

5 Accordingly, **IT IS HEREBY ORDERED:**

6 1. Plaintiff's Motion, **ECF No. 17**, is **GRANTED**.

7 2. The Complaint, **ECF No. 1**, is **DISMISSED WITHOUT PREJUDICE**.

8 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
9 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff,
10 and **close the file** in this case.

11 **DATED** February 4, 2021.

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13 *s/ Rosanna Malouf Peterson*
14 ROSANNA MALOUF PETERSON
15 United States District Judge
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